



June 15, 2004 CPC  
July 28, 2004 BS

**STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION**

**04SN0248  
(AMENDED)**

**Branders Bridge LLC**

**Bermuda Magisterial District  
Harrowgate Elementary School, Carver Middle School and  
Matoaca High School Attendance Zones  
Off western terminus of Cougar Trail**

**REQUEST:** (AMENDED) Rezoning from Agricultural (A) to Residential (R-12).

**PROPOSED LAND USE:**

A single family residential subdivision with a maximum of 120 lots, yielding a density of approximately 1.4 lots per acre, is planned.

**PLANNING COMMISSION RECOMMENDATION**

**ACKNOWLEDGED WITHDRAWAL OF THE REQUEST EXCEPTION TO ACCESS PROVISIONS AND RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.**

**AYES: MESSRS. GECKER, BASS, GULLEY AND WILSON.  
ABSENT: MR. LITTON.**

**STAFF RECOMMENDATION**

**Recommend approval for the following reasons:**

- A. The proposed zoning and use conforms to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre.**

**Providing a FIRST CHOICE Community Through Excellence in Public Service.**

- B. The proffered conditions adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and the Comprehensive Plan. Specifically, the need for schools, parks, libraries, fire stations and transportation facilities is identified in the County's adopted Public Facilities Plan, the Capital Improvement Program and the Thoroughfare Plan and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities and thereby ensure that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNERS MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

#### PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

- (STAFF/CPC) 1. Timbering. With the exception of timbering to remove dead or diseased trees which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed in accordance with The Forestry Best Management Practices for Water Quality in Virginia. (EE)
- (STAFF/CPC) 2. Maximum Number of Dwellings. The overall number of dwellings for the entire Property shall not exceed 120 units. (P)
- (STAFF/CPC) 3. Cash Proffer. Prior to the time of issuance of a building permit for each new dwelling unit, the applicant, subdivider, or its assignee, shall pay to the County of Chesterfield the following amounts for infrastructure improvements within the service district for the Property:
- a. if payment is made prior to July 1, 2004, \$9000; or

- b. if payment is made after June 30, 2004, the amount approved by the Board of Supervisors, but not to exceed the \$9000 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made.

If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B and M)

- (STAFF/CPC) 4. No Construction Traffic. Unless access to the Property from Cougar Trail cannot be obtained, for a period of three (3) years from initial development of the Property, no construction traffic shall use Harrow Drive for access to or from the Property. (P)
- (STAFF/CPC) 5. Transportation. In conjunction with development of any lots with access to Harrow Drive, additional pavement shall be constructed along Harrowgate Road at the Harrow Drive intersection to provide a right turn lane. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easement) required for this improvement. (T)

#### GENERAL INFORMATION

##### Location:

Lies off the western terminus of Cougar Trail. Tax IDs 791-635- Part of 3704 and 791-636-9012 (Sheet 34).

##### Existing Zoning:

Agricultural (A)

##### Size:

86.9 acres

##### Existing Land Use:

Vacant

### Adjacent Zoning and Land Use:

- North - A; Single family residential or vacant
- South - A; Single family residential or vacant
- East - R-7 and R-15; Public/semi-public (Harrowgate Park) or vacant
- West - A; Single family residential or vacant

### UTILITIES

#### Public Water System:

There is an eight (8) inch water line extending along Wilton Road approximately 835 feet east of this site. In addition, a six (6) inch water line extends along a portion of Cougar Trail, approximately 910 feet east of the request site. Use of the public water system is required by County Code.

#### Public Wastewater System:

There is an eighteen (18) inch wastewater trunk line that extends along a tributary of Timsbury Creek and terminates approximately 2200 feet southeast of this site. Use of the public wastewater system is required by County Code.

### ENVIRONMENTAL

#### Drainage and Erosion:

The property drains southeast to Timsbury Creek. There are no existing or anticipated on- or off-site drainage or erosion problems. The property is wooded and should not be timbered without first obtaining a land-disturbance permit from the Environmental Engineering Department. (Proffered Condition 1)

#### Water Quality:

There are large areas of wetlands on the property, which will require a twenty-five (25) foot building setback.

### PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program as is further detailed by specific departments in the applicable sections of this "Request Analysis". This development will have an impact on these facilities.

### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 120 dwelling units, this request will generate approximately twenty-seven (27) calls for fire and emergency medical services each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 3)

The Chester Fire Station, Company Number 1, and Bensley Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

### Schools:

Approximately sixty-four (64) students will be generated by this development. This site lies in Harrowgate Elementary School attendance zone: capacity - 515, enrollment – 640, Carver Middle School zone: capacity - 1,222, enrollment – 1,469 and Matoaca High School: capacity – 1,573, enrollment – 1,233.

This request will have an impact on the elementary and middle schools involved. There are currently fifteen (15) trailers at Harrowgate Elementary and six (6) trailers at Carver Middle. The applicant has offered measures to assist in addressing the impact of this development on school facilities. (Proffered Condition 3)

### Libraries:

Consistent with the Board of Supervisors' Policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even if the facility improvements that have been made since the Public Facilities Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

Development of the property noted in this case would most likely affect the Chester Library or the Central Library. The Public Facilities Plan indicates a need to add library space in this area of the county. The applicant has offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 3)

### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by

2020. In addition, the Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan also identifies shortfalls in trails and recreational historic sites.

The applicant has offered measures to assist in addressing the impact of this proposed development on these Parks and Recreation facilities. (Proffered Condition 3)

#### Transportation:

The property (86.9 acres) is currently zoned Agricultural (A). The applicant is requesting rezoning to Residential (R-12), and has proffered a maximum density of 120 units (Proffered Condition 2). Based on single-family trip rates, development could generate approximately 1,230 average daily trips. These vehicles are anticipated to be initially distributed via Cougar Trail and Harrow Drive to Harrowgate Road, which had a 2004 traffic count of 9,694 vehicles per day. The capacity of Harrowgate Road is acceptable (Level of Service D) for the volume of traffic it currently carries.

Currently, public road access is not available to the property. The applicant prepared a preliminary layout for subdividing the property. The layout shows access from the property to Harrowgate Road provided through Harrowgate Park to Cougar Trail and through two (2) adjacent parcels to Harrow Drive in Windsor Hill Subdivision.

Included in the Subdivision Ordinance is the Planning Commission's Stub Road Policy. The Policy suggests that subdivision streets anticipated to carry 1,500 vehicles per day or more should be designed as "no-lot frontage" collector roads. Cougar Trail is a "no-lot frontage" road, and Harrow Drive has lots that front the road. The 2004 traffic count on Harrow Drive was 368 vehicles per day. Traffic generated by development of the subject property traveling along Harrow Drive is not anticipated to exceed the acceptable subdivision street volume as defined by the Stub Road Policy.

The traffic impact of this development must be addressed. There are left and right turn lanes along Harrowgate Road at the Cougar Trail intersection. The applicant has proffered to construct a right turn lane along Harrowgate Road at the Harrow Drive intersection with any development that accesses Harrow Drive. (Proffered Condition 5)

The applicant has also proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of the residential development (Proffered Condition 3). As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the county are included in the Six-Year Improvement Plan.

At time of tentative subdivision review, specific recommendations will be provided regarding the internal street network.

**Financial Impact on Capital Facilities:**

		PER UNIT
Potential Number of New Dwelling Units	120*	1.00
Population Increase	326.40	2.72
Number of New Students		
Elementary	28.80	0.24
Middle	15.60	0.13
High	20.40	0.17
TOTAL	64.80	0.54
Net Cost for Schools	581,640	4,847
Net Cost for Parks	83,160	693
Net Cost for Libraries	45,000	375
Net Cost for Fire Stations	48,120	401
Average Net Cost for Roads	493,080	4,109
TOTAL NET COST	1,251,000	10,425

\*Based on a proffered maximum of 120 dwelling units (Proffered Condition 2). The actual number of units developed and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 3)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

**LAND USE**

**Comprehensive Plan:**

The request property lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre.

### Area Development Trends:

Properties to the north, south and west are characterized by single family residential uses on acreage parcels or are vacant. Adjacent property to the east is zoned residentially and is occupied by Harrowgate Park or remains vacant. Residential development is expected to continue in the area, as is suggested by the Plan.

### Construction Traffic:

To address concerns of area property owners, the applicant has offered a proffer which would prohibit construction traffic from using Harrow Drive, under certain circumstances (Proffer Condition 4). It should be noted that staff enforcement of this condition will be difficult.

### CONCLUSIONS

The proposed zoning and use conforms to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre. In addition, the proffered conditions adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and the Comprehensive Plan. Specifically, the need for schools, parks, libraries, fire stations and transportation facilities is identified in the County's adopted Public Facilities Plan, the Capital Improvement Program and the Thoroughfare Plan and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities and thereby ensure that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.

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### CASE HISTORY

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#### Staff (6/11/04):

The applicant submitted revisions to this request, which included withdrawal of the exception to access provisions, withdrawal of a proffered condition relative to dedication of parkland in exchange for access across park property and the submission of a proffer relative to construction traffic on Harrow Drive.

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#### Planning Commission Meeting (6/15/04):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission acknowledged withdrawal of the requested exception to access provisions.



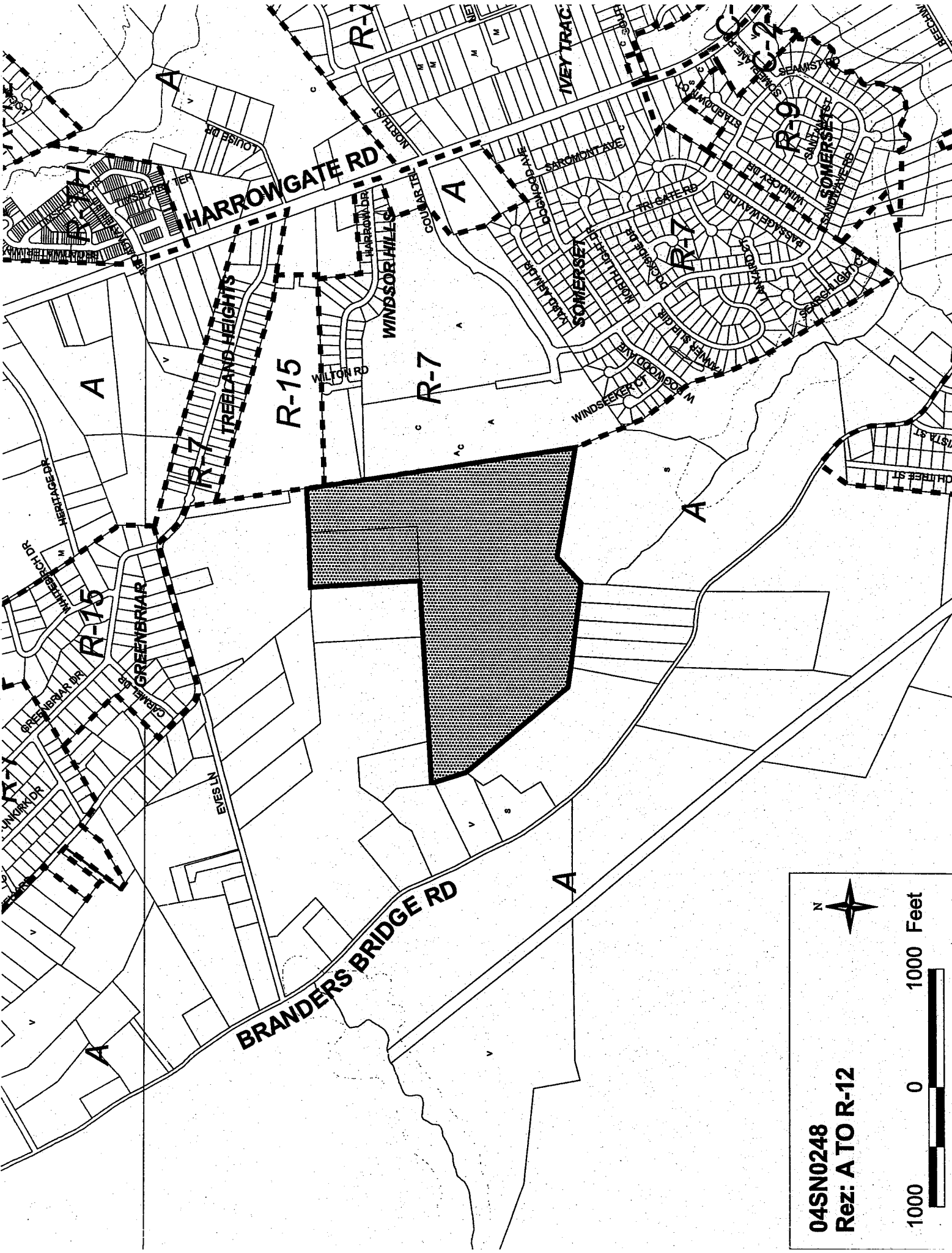
AYES: Messrs. Gecker, Bass, Gulley and Wilson.  
ABSENT: Mr. Litton.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval and acceptance of the proffered conditions on pages 2 and 3.

AYES: Messrs. Gecker, Bass, Gulley and Wilson.  
ABSENT: Mr. Litton.

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The Board of Supervisors, on Wednesday, July 28, 2004, beginning at 7:00 p.m., will take under consideration this request.



04SN0248

Rez: A TO R-12







FILE	30
SHEET	OF
PRELIMINARY LAYOUT #2 <b>PATCHETT TRACT</b> <b>FEASIBILITY STUDY</b>	
CHESTERFIELD COUNTY, VIRGINIA 4800 WEST HANDED ROAD P.O. BOX 4800 CHESTER, VIRGINIA 23831 Consulting Engineers <b>AUSTIN BROCKENBROUGH &amp; ASSOCIATES, L.P.</b>	
DATE	11-5-03
BY	WLB
CHECKED	WLB
APPROVED	WLB
SCALE	1"=150'
NOTES	1. FIELD LOCATED MEASUREMENTS 2. UNLOCATED HIGH BROWNS 3. UNLOCATED MEASUREMENTS

